

Message Text

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DRAFTED BY EB/IFD/BP:LSALLAN:BT
APPROVED BY EB/IFD/BP:WBLOCKWOOD, JR., ACTING
EUR/EE:SCFROMOWITZ
COMM/PTO:RBOWIE (SUBS)
COMM/FBPD:JLIGHTMAN (SUBS)
-----220717Z 033387 /21

R 212015Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY BELGRADE

UNCLAS STATE 062316

E.O. 11652: N/A

TAGS: EIND, YO

SUBJECT: NEW YUGOSLAV LAW ON THE MARKETING OF DRUGS

1. DEPARTMENT HAS BEEN CONTACTED BY LARGE US PHARMACEUTICAL FIRM CONCERNED BY RECENTLY ENACTED YUGOSLAV LAW ON THE MARKETING OF DRUGS WHICH WAS PROMULGATED IN DECEMBER, 1976.

2. ARTICLE 27(5) OF NEW LAW MAY HAVE ADVERSE IMPACT ON US OWNERS OF TRADEMARK RIGHTS IN YUGOSLAVIA. WE HAVE RECEIVED A POOR TRANSLATION OF ARTICLE 27(5) WHICH READS AS FOLLOWS:

"THE PROPOSAL FOR MARKETING A DRUG SHOULD BE SUBMITTED TO THE COMPETENT FEDERAL AUTHORITIES; ALONG WITH THE PROPOSAL THE FOLLOWING SHOULD BE SUBMITTED:

(5) PROPOSAL FOR A NAME OF THE DRUG AND THE PROOF THAT THE MANUFACTURER IS THE EXCLUSIVE OWNER OF THE RIGHTS TO THE NAME OF THE DRUG RESP. OWNER IF GENERIC NAME IS NOT IN
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QUESTION"

3. IT IS NOT CLEAR FROM THE FOREGOING TRANSLATION WHETHER AN EXCLUSIVE YUGOSLAV LICENSEE OF A US TRADEMARK WOULD MEET THE REQUIREMENT OR WHETHER THE ACTUAL OWNERSHIP OF THE MARK WOULD HAVE TO BE COMPLETELY TRANSFERRED TO THE YUGOSLAV

PARTY WITH NO CONTROL OVER QUALITY STANDARDS, SUB-LICENS-
ING RIGHTS, ETC. REMAINING WITH THE FOREIGN FIRMS.

4. NO MAJOR EMBASSY ACTION REQUIRED AT PRESENT; HOWEVER,
IN VIEW OF AMBIGUOUS TRANSLATION, EMBASSY IS REQUESTED TO
POUCH COPY OF OFFICIAL SERBO-CROATIAN TEXT TO DEPARTMENT
(STUART ALLAN, EB/IFD/BP:ROOM 4828) AS SOON AS POSSIBLE.
ANY AVAILABLE TRANSLATION OR ANY EMBASSY COMMENTS WOULD OF
COURSE BE WELCOME.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DRUGS, SALES, LAW, TRADEMARKS
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: LSALLAN:BT
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770097-0555
Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770338/aaaabgxh.tel
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